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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,213	07/17/2006	Richard Ganley	19036/41595	7568
4743 7590 04/27/2009 MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606-6357			EXAMINER LY, NGHI H	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 04/27/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,213

Applicant(s)

GANLEY ET AL.

Examiner

NGHI H. LY

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-18, 20, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-18, 20, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 35 is objected to because of the following informalities:

Regarding claim 35, second line, the claim recites "a infrared" should be changed to "an infrared". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 5-18, 20, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (US 5,832,390) in view of Vogel (US 2004/0121819 A1).

Regarding claims 35 and 36, Irvin teaches a wireless microphone communication system (see fig.1, see "MIC". In addition, it would have been obvious to one of ordinary skill in the art to treat the MIC 24 and Control Circuitry For Remote 22 as single unit) comprising: a receiver for a wireless microphone interface (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), the receiver having a interface (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), a transmitter for a wireless microphone interface (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), the transmitter having an interface (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), and a portable information communication device having an interface (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), wherein through the interface of the receiver (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), the interface of the transmitter (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), and the interface of the portable information communication device (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), information regarding the wireless microphone is transmitted from the receiver to the portable information communication device and is transmitted from the portable information communication device to the transmitter (see fig.1, signals 42, 44 and 46, and see "XMIT" and "RCV"), and wherein the transmitter controls a function of the wireless microphone according to the information regarding the wireless microphone (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Irvin does not specifically disclose the receiver or transmitter having an infrared interface.

Vogel teaches the receiver or transmitter having an infrared interface (see [0028], see "infrared").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Vogel into the system of Irvin in order to optimize interface configuration (see Vogel, Abstract).

Regarding claim 5, Irvin teaches the information regarding the wireless microphone is command information (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*"), and the command information is to command the transmitter of the wireless microphone to control a function of the wireless microphone (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Regarding claim 6, Irvin teaches the command information is information regarding an amplitude frequency characteristic of a sound signal, and the command information is to command the transmitter of the wireless microphone to control the amplitude frequency characteristic of the sound signal (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Regarding claim 7, Irvin teaches the command information is information regarding a gain of a sound signal, and the command information is to command the transmitter of the wireless microphone to control a gain given to the sound signal (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Regarding claim 8, Irvin teaches the command information is information regarding a frequency of a carrier wave, and the command information is to command

the transmitter of the wireless microphone to control the frequency of the carrier wave (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Regarding claim 9, Irvin teaches the command information is information regarding an output level of a carrier wave, and the command information is to command the transmitter of the wireless microphone to control the output level of the carrier wave (see fig.1, signals 42, 44 and 46).

Regarding claim 10, Irvin teaches the command information is information regarding whether or not to permit a setting condition of the transmitter to be changed (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*"), and the command information is to command the transmitter of the wireless microphone to enable or disable an operation portion of the transmitter of the wireless microphone to change the setting condition (see column 4, lines 12-27).

Regarding claim 11, Irvin teaches the command information is information regarding deviation (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*"), and the command information is to command the transmitter of the wireless microphone to control the deviation (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Regarding claim 12, Irvin teaches the command information is information regarding a pilot tone, and the command information is to command the transmitter of the wireless microphone to start or stop transmission of the pilot tone (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Regarding claim 13, Irvin teaches the command information is information

regarding a display, and the command information is to command the transmitter of the wireless microphone to cause the display into an operating state or a non-operating state (see fig.1, signals 42, 44 and 46, and see "*control transmission signaling*").

Regarding claim 14, Irvin teaches the command information is information regarding a compander (see fig.1, signals 42, 44 and 46), and the command information is to command the transmitter of the wireless microphone to control a characteristic of the compander (see fig.1, signals 42, 44 and 46).

Regarding claim 15, Irvin teaches the command information is information regarding a mute function (see column 4, lines 57-62), and the command information is to command the transmitter of the wireless microphone to cause the mute function into an operating state or a non-operating state (see column 4, lines 57-62).

Regarding claim 16, the combination of Irvin and Vogel teaches the information regarding the wireless microphone is attribute information (see Vogel, [0028]), and the attribute information is to inform the infrared signal receiving device of attribute of the transmitter of the wireless microphone (see Vogel, [0028]).

Regarding claim 17, Irvin teaches the attribute information is information regarding a type of a battery used in the transmitter of the wireless microphone (see column 1, lines 52-67).

Regarding claim 18, Irvin teaches the attribute information is information regarding a number or a name assigned to the transmitter of the wireless microphone (see column 5, lines 13-43).

Regarding claim 20, Irvin teaches the reply request information is to request the

transmitter of the wireless microphone to inform a setting condition of the transmitter, and wherein the reply information is information regarding the setting condition of the transmitter of the wireless microphone (see fig.1, signals 42, 44 and 46).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617